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ATTORNEYS FOR DEFENDANT  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

COUNTY OF POWELL, a political  
subdivision of the State of Montana,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CV 22-21-H-BMM-KLD

JOINT MOTION TO CONTINUE  
STAY

Plaintiff Powell County and Defendant United States of America hereby jointly move to continue the stay in this case as they continue resolving the terms of settlement. “[A] district court has discretion to stay proceedings in its own court when appropriate.” *Am. Reliable Ins. Co. v. Lockard*, 2018 WL 9618463, at \*1 (D. Mont. Feb. 14, 2018) (citing *Dependable Hwy. Exp., Inc. v. Navigators Ins. Co.*, 498 F.3d 1059, 1066 (9th Cir. 2007); *Landis v. North American Co.*, 299 U.S. 248, 254 (1936)).

Here, in light of the parties’ intent to settle this matter on agreeable terms, a continued stay is appropriate in order to avoid the expense of litigation, particularly given the parties’ mutual goal of protecting taxpayer dollars. The Court previously extended the stay until June 2, 2024 and ordered the parties to file a status report or stipulation of dismissal by June 10, 2024.

The parties continue to work towards settlement, including the drafting of a Cooperative Management Agreement pertaining to the non-motorized trail at issue in this case. Unfortunately, the staff person at Grant-Kohrs Ranch who was working on the agreement retired, causing the delay resulting in this most recent request. The parties therefore request that the Court extend the stay an additional three months until, September 13, 2024. This will allow the newly designated staff person to familiarize herself with the circumstances and effectuate the agreement. If the parties reach a final resolution prior to this date, they will file a stipulation of

dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii). If they do not, the parties will file a report apprising the Court of the status of the case within one week of expiration of the stay.

The parties again recognize the prolonged nature of this stay and appreciate the Court's patience in allowing it. It is the parties' sincere hope that this will be the final extension request.

A proposed order accompanies this motion and status report.

DATED this 10th day of June, 2024.

JESSE A. LASLOVICH  
United States Attorney

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